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9 UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 GIL CROSTHWAITE, et al., as Trustees of the
12 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
13 CALIFORNIA, et al.

14 Plaintiffs,

15 v.

16 GLAVIN CONSTRUCTION
MANAGEMENT, GLAVIN
CONSTRUCTION COMPANY, INC., and
17 PATRICK J. GLAVIN,
Defendants.

Case No.: C07-1241 WHA

**RENEWED REQUEST TO VACATE CASE
MANAGEMENT CONFERENCE AND
RELATED DATES ; AND ORDER**

Date: August 7, 2008

Time: 11:00 a.m.

Courtroom: 9, 19th Floor

Judge: The Honorable William H. Alsup

20 Plaintiffs herein respectfully request that the Case Management Conference currently
21 scheduled for August 7, 2008, and all related dates herein be vacated.
22

23 1. On April 23, 2008, plaintiffs filed a Request to Vacate Case Management
Conference and Related Dates due to that fact that all defendants have filed for bankruptcy and
24 plaintiffs are therefore stayed under 11 U.S.C. Section 362 from proceeding with this action
25 against the defendants.

26 2. Nevertheless, a Case Management Conference was reset for August 7, 2008.
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**REQUEST TO VACATE CASE MANAGEMENT CONFERENCE
Case No.: C07-1241 WHA**

3. All defendants have filed for bankruptcy and plaintiffs are therefore stayed under 11 U.S.C. Section 362 from proceeding with this action against the defendants.

4. Plaintiffs therefore request that the Case Management Conference, currently scheduled for August 7, 2008, and related dates herein be vacated.

5. Plaintiffs will notify this court in the event that the bankruptcy is dismissed, and allowing the within action to again proceed against the defendants.

I declare under penalty of perjury that I am the attorney for the plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

10 Executed this 1st day of August, 2008, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

By: _____ /s/
Muriel B. Kaplan
Attorneys for Plaintiffs

IT IS SO ORDERED.

The currently set Case Management Conference and all related dates are hereby vacated. is CONTINUED to January 22, 2009, at 11:00 AM. A cmc statement is due January 15, 2009.

Dated: August 5, 2008.

A circular seal of the United States District Court for the Northern District of California. The outer ring is black with white text. At the top, it reads "THE HONORABLE WILLIAM H. ALSUP". On the left and right sides, it reads "UNITED STATES DISTRICT COURT". The inner rectangle is red with white text. At the top, it says "IT IS SO ORDERED". At the bottom, it says "Judge William Alsup". A blue ink signature of "W-H-Alsup" is written across the center of the inner rectangle.

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On August 1, 2008, I served the following document:

**RENEWED REQUEST TO VACATE
CASE MANAGEMENT CONFERENCE
AND RELATED DATES**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Glavin Construction Management
100 Breakwater Way
Vacaville, CA 95688**

Glavin Construction Company, Inc.
100 Breakwater Way
Vacaville, CA 95688

**Matthew J. Gilbert, Esq.
2601 Nut Tree Rd #A
Vacaville, CA 95687**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 1st day of August, 2008, at San Francisco, California.

/s/ _____